

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of: Mikko KANERVA	Confirmation No.: 7109
Application No.: 09/893,792	Examiner: Daniel Jr, Willie J.
Filed: June 28, 2001	Group Art Unit: 2617

For: TELECOMMUNICATION SYSTEM AND METHOD WITH LOCATION
CRITERIA IN CALL REQUESTS

Commissioner for Patents
Alexandria, VA 22313-1450

REPLY BRIEF

Dear Sir:

This Reply Brief is submitted in response to the Examiner's Answer mailed February 1, 2011.

I. STATUS OF THE CLAIMS

Claims 73-108 are pending in this appeal, in which claims 91-108 are currently withdrawn. This appeal is therefore taken from the final rejection of claims 73-90 on May 17, 2010.

II. GROUND OF REJECTION TO BE REVIEWED

A. Claims 73-90 were rejected under 35 U.S.C § 102(b) for anticipation predicated upon *Neubauer al.* (US 5,953,673).

B. Claims 73-76, 78-82, 84-88, and 90 were rejected under 35 U.S.C § 102(b) for anticipation predicated upon *Tognazzini* (EP 0810803).

C. Claims 77, 83, and 89 are obvious under 35 U.S.C. § 103(a) for obviousness predicated upon *Tognazzini* in view of *De Brito* (US 6,529,735).

III. ARGUMENT

Initially, Appellant maintains and incorporates herein the arguments advanced in the Appeal Brief filed October 18, 2010. The arguments presented *infra* address certain new assertions presented by the Examiner in the Answer.

With regards to the 35 U.S.C § 102(b) rejection of independent claims 73, 79, and 85 over *Neubauer et al.*, at pages 14-16 of the Answer, the Examiner appears to cite various excerpts from the instant specification in an attempt to demonstrate a correlation to the disclosure of the *Neubauer et al.* reference. Further, at pages 16-18 of the Answer, the Examiner maintains the assertion that the calling of a group call number by a subscriber SA, as taught by *Neubauer et al.*, corresponds to “receiving [or receive] a request from a mobile station to connect to one of a plurality of other mobile stations, **wherein the request specifies a location criteria . . . and . . .** selecting [or select] one of the other mobile stations to connect to the mobile station **based on the location criteria** and the determined location information,” as claimed. Appellant respectfully disagrees.

Neubauer et al. teaches that the subscriber SA only requests a connection on the basis of the group call number, but nothing more, and the location information in the request for connection to the new group call number merely includes location information concerning the calling subscriber SA. In particular, “if the subscriber SA of the telephone network PSTN dials a

group call number and a connection with the service control point SCP exists in the telephone network PSTN, the location of the calling subscriber SA is determined,” (see, *Neubauer et al.*, Col. 6, lines 3-5). Thus, on “the basis of the subscriber call number of the subscriber SA, transmitted together with the dialed group call number, the service control point SCP determines the location of said subscriber,” such that the “group call number received is converted into a new group call number, suitable for the mobile radio network PLMN, and this group call number is sent back to the service switching point EX together with information identifying the location of the calling subscriber SA in the telephone network PSTN,” (see, *Neubauer et al.*, Col. 6, lines 13-23). As such, the “address message” of *Neubauer et al.* that is transmitted to the mobile switching system by the service switching point EX merely includes the new group call number and the information on the location of the calling subscriber SA. Furthermore, the request for connection to the new group call number is not requested by subscriber SA, but to the contrary, it is requested by service switching point EX.

At page 18 of the Answer, the Examiner cites col. 7, lines 44-50 of *Neubauer et al.* in an attempt to provide a use example of how the system of *Neubauer et al.* allegedly discloses the above claimed features. However, col. 7, lines 44-50 of *Neubauer et al.* only further discloses that the information on the location of the calling subscriber SA is made available by the mobile switching system. *Neubauer et al.* simply fails to provide any teaching of an exchange of a **location criterion**, much less a request comprising a location criteria.

With regards to the 35 U.S.C § 102(b) rejection of independent claims 73, 79, and 85 over *Tognazzini*, at pages 20 and 21 of the Answer, the Examiner appears to reiterate reasoning set forth in the Final Office Action without responding to Appellant’s arguments regarding the failure of *Tognazzini* to disclose “receiving [or receive] a request from a mobile station to connect

to one of a plurality of other mobile stations, **wherein the request specifies a location criteria** . . . and . . . determining [or determine] **location information** for each of the other mobile stations,” as claimed.

Tognazzini simply teaches that a calling station submits a query, over a network, to one or more stations and, thereby, receives back responses from all of the stations at which information stored in databases of the called stations satisfies the query, (see, *Tognazzini*, Col. 3, lines 36-42, and Col. 3, line 53 – Col. 4, line 8). Specifically, *Tognazzini* discloses that “if a match is found, the station responds with its identification,” such that a “central office detects a response and assigns an empty communications channel in the cellular spectrum to the originator and recipient of the call,” (see, *Tognazzini*, Col. 11, lines 1-6; *See also* Col. 11, lines 39-41). However, the central office of *Tognazzini* is not configured to establish a connection to the one mobile station (the calling station that submits the query) based on location information of the plurality of mobile stations and the location information, but instead, the central office establishes one or more communication channels between querying stations and responding stations when the central office detects one or more responses from responding stations. Thus, the stations do not receive a request to connect to one of a plurality of other mobile stations, wherein the request specifies a location criteria, but instead receive a request to possibly connect to the receiving station. Furthermore, *Tognazzini* fails to disclose that the receiving stations determine location information for each of the other mobile stations.

Therefore, for the reasons *supra*, in addition to the arguments presented in the Principal Brief, a reversal, by the Honorable Board, of each of the various rejections of claims 73-90 under 35 U.S.C. § 102 and 35 U.S.C. § 103 is respectfully solicited.

IV. CONCLUSION AND PRAYER FOR RELIEF

Appellant, therefore, requests the Honorable Board to reverse each of the Examiner's rejection under 35 U.S.C. § 102 and 35 U.S.C. § 103.

Respectfully Submitted,

DITTHAVONG MORI & STEINER, P.C.

April 1, 2011
Date

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